

REMARKS

Claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 are pending in the case.

Claims 4, 10 and 17 have been canceled.

Claims 2, 3, 8, 9, 15 and 16 were previously subject to restriction.

Examiner currently is further restricting elected claims 1, 5 through 7, 11 through 14 and 18 through 20. Applicant respectfully traverses this restriction and requests reconsideration.

Examiner has provided an inadequate reason for the restriction.

Specifically, Examiner has asserted that claims 1 and 5 through 6 are drawn to a reflection optical switch system and the method of it, classified in class 385, subclass 18. Examiner has asserted that claims 7, 11 through 14 and 18 through 20 are drawn to a gettering structure with a chamber having fluid, classified in class 210, subclass 11758.

Examiner has incorrectly described the claims. Specifically, all of claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 are drawn to a reflection optical switch system and the method of it, classified in class 385, subclass 18.

Examiner appears to be arguing that claims 7, 11 through 14 and 18 through 20 are not drawn to a reflection optical switch system and the method of it, classified in class 385, subclass 18. However, this is clearly erroneous. For example, the preamble of every one of claims 7, 11 through 14 and 18 through 20 starts with the phrase: "A reflection optical switch system, comprising:...". It is clear from the content of their preamble that each of claims 7, 11 through 14 and

18 through 20, along with claims 1 and 5 through 6, are drawn to a reflection optical switch system and the method of it, classified in class 385, subclass 18.

Examiner has asserted that claims 7, 11 through 14 and 18 through 20 are drawn to a gettering structure with a chamber having fluid, classified in class 210, subclass 175. While it is true that each of claims 7, 11 through 14 and 18 through 20 mention gettering structures and fluid within chambers, this in no way distinguishes these claims from claims 1 and 5 through 6, as claims 1 and 5 through 6 also mention gettering structures and fluid within chambers.

Since every one of claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 are drawn to a reflection optical switch system and the method of it, classified in class 385, subclass 18 and every one of claims 1 through 3, 5 through 9, 11 through 16 and 18 through 20 mention gettering structures and fluid within chambers, it is clear that the Examiner has not provided an adequate basis for requiring restriction of these claims. Applicant therefore requests that the restriction requirement be withdrawn.

In accordance with the USPTO requirement for a provisional election, Applicant provisionally elects to prosecute claims 7, 11 through 14 and 18 through 20.

Conclusion

Applicant believes the present application is in condition for allowance and favorable action is respectfully requested.

Respectfully submitted,
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